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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.       |
|---|-------------|----------------------|-------------------------|------------------------|
| 10/581,930  | 03/05/2007  | Evan William Clark   | CLI0003U                | 1835                   |
| 33372 7590<br>MICHAEL MOLINS<br>MOLINS & CO.<br>SUITE 5, LEVEL 6<br>139 MACQUARIE ST<br>SYDNEY NSW, 2000<br>AUSTRALIA |             |                      | EXAMINER<br>ALI, FARHAD |                        |
|   |             |                      | ART UNIT<br>2146        | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                                     |  |
|------------------------------|-------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/581,930 | Applicant(s)<br>CLARK, EVAN WILLIAM |  |
|                              | Examiner<br>Farhad Ali        | Art Unit<br>2146                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer readable medium comprising computer executable instructions does not fall within a statutory category.

Examiner advises the client to amend A computer readable medium to a computer readable storage medium in order to direct the invention towards a statutory category.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 recites the limitation "Second computer". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hudson et al. (US 2003/0204602 A1).

Hudson et al. teaches:

**Claim 1**

A computer-readable medium comprising computer-executable instructions for the storage and distribution of media files, the software comprising:

a library program managing a plurality of encrypted media files (Paragraph [0013], "The content catalog contains, directly or indirectly, an identification of each content file, the segmented subunits of each file, and the peer caches to which the subunits are distributed"), and

a player program for displaying media files on an audio-visual device, the player program in network communication with the library program, wherein:

the player program requests a media file from the library program, the library program sends the media file to the player program in an encrypted format, when the media file is completely received, the player program decodes the file into an unencrypted format and displays the media on an audio-visual device (See Fig. 1, #56 shows a Tv and speakers, and paragraph [0070], "The license is thus available to the

client media player 66 for use in decrypting the streaming media content unit as received through the client peer application 60" and paragraph [0020], "A yet further advantage of the present invention is that proprietary content is continuously protected by a combination of encryption and digital signatures applied to the content files and to the individual content file segments. The mediation server system maintains the integrity of the content file segments throughout the operations of file segment transport, cache storage, and streaming file assembly and playback").

### **Claim 2**

The software of claim 1, wherein:

the library program operates on a first computer system and the player program operates on a second computer system connected to the first computer system on a network (See Fig. 1, #54 "Client Platform" and #12 "Central Server System")

### **Claim 3**

The software of claim 1, wherein:

the player program decodes the file into an unencrypted format without writing the unencrypted format to a file and without allowing the operator of the second computer to access, copy, delete, or corrupt the unencrypted format while the unencrypted format is being displayed or at any time thereafter (Paragraph [0020], "A yet further advantage of the present invention is that proprietary content is continuously protected by a combination of encryption and digital signatures applied to the content

files and to the individual content file segments. The mediation server system maintains the integrity of the content file segments throughout the operations of file segment transport, cache storage, and streaming file assembly and playback”).

#### **Claim 4**

The software of claim 1, wherein:

a first player program automatically creates a public folder containing a data file, the folder being stored on the second computer such that a second player program operating on a third computer in the network requests and receives the data file from the first player program (Paragraph [0013], “This is achieved in the present invention through a multi-source peer content distribution system transfers content files from multiple, distributed peer computers to any requesting computer. The content distribution network coordinates file transfers through a mediation system including a content catalog and a host broker system. The content catalog contains, directly or indirectly, an identification of each content file, the segmented subunits of each file, and the peer caches to which the subunits are distributed.”).

#### **Claim 5**

The software of claim 4, wherein:

the data file is an encrypted media file requested and received from the library program (Paragraph [0020], “A yet further advantage of the present invention is that proprietary content is continuously protected by a combination of encryption and digital

signatures applied to the content files and to the individual content file segments. The mediation server system maintains the integrity of the content file segments throughout the operations of file segment transport, cache storage, and streaming file assembly and playback").

**Claim 6**

The software of claim 5, wherein:

a network address of the first player program is retained by the library program after a transfer of an encrypted media file to the first player program, and subsequent requests of the library program for the same encrypted media file are transferred to the first player program by the library program using the network address (Paragraph [0014], "An advantage of the present invention is that content is redundantly distributed in the form of discrete segments throughout a peer storage network, permitting retrieval of segments on a best quality-of-service basis determined relative to each computer system that requests a streaming media content file. Multi-source segmented delivery of content also distributes the transport load over multiple content sources while ensuring the availability of multiple sources for all segments. The perceived quality-of-service is both increased and reliably maintained").

**Claim 7**

The software of claim 1, wherein:

an application program operates simultaneously with the player program on the second computers, the application program operating on digital files available to the second computer (Paragraph [0014], "An advantage of the present invention is that content is redundantly distributed in the form of discrete segments throughout a peer storage network, permitting retrieval of segments on a best quality-of-service basis determined relative to each computer system that requests a streaming media content file. Multi-source segmented delivery of content also distributes the transport load over multiple content sources while ensuring the availability of multiple sources for all segments. The perceived quality-of-service is both increased and reliably maintained").

#### **Claim 8**

The software of claim 1, wherein:

the player program requests a second media file from the library program at a predicted time during the display of a first media file such that the second media file completely received before the end of the display of the first media file (Paragraph [0016], "A further advantage of the present invention is that the mediation system can perform predictive seeding of the content delivery network and adaptive modification of segment distribution in response to changing content file demands. Historical demand patterns, peer node availability and bandwidth capabilities can be used to guide the strategic distribution of content segments throughout the content delivery network").

#### **Claim 9**



The software of claim 8, wherein:

a sequence of media files are requested of the library program by the player program and are displayed in order on the audio-visual device, where each subsequent media file is requested and complete received by the player before the display of the previous media file is complete (Paragraph [0016], "A further advantage of the present invention is that the mediation system can perform predictive seeding of the content delivery network and adaptive modification of segment distribution in response to changing content file demands. Historical demand patterns, peer node availability and bandwidth capabilities can be used to guide the strategic distribution of content segments throughout the content delivery network").

#### **Claim 10**

The software of claim 1, wherein:

the audio-visual device is a television (See Fig. 1, #56 shows a Tv and speakers).

#### **Claim 11**

A method of distributing media in a network, the method comprising the steps of:  
storing an encrypted media file on a library managed by a library program operating on a first computer in the network(Paragraph [0013], "The content catalog contains, directly or indirectly, an identification of each content file, the segmented subunits of each file, and the peer caches to which the subunits are distributed"),

requesting the encrypted media from the library program by a player program operating on a second computer in the network, receiving the encrypted media file completely at the second computer, dynamically decoding the encrypted media into an unencrypted format, displaying the unencrypted format on an audio-visual device (See Fig. 1, #56 shows a Tv and speakers, and paragraph [0070], "The license is thus available to the client media player 66 for use in decrypting the streaming media content unit as received through the client peer application 60" and paragraph [0020], "A yet further advantage of the present invention is that proprietary content is continuously protected by a combination of encryption and digital signatures applied to the content files and to the individual content file segments. The mediation server system maintains the integrity of the content file segments throughout the operations of file segment transport, cache storage, and streaming file assembly and playback").

### **Claim 12**

The method of claim 11, wherein:

a second media file is requested by the player program from the library program at a predicted time while the unencrypted format is being displayed, wherein the second media file is completely received by the player program at a time earlier than a time the unencrypted format display is complete (Paragraph [0016], "A further advantage of the present invention is that the mediation system can perform predictive seeding of the content delivery network and adaptive modification of segment distribution in response to changing content file demands. Historical demand patterns, peer node availability

and bandwidth capabilities can be used to guide the strategic distribution of content segments throughout the content delivery network”).

**Claim 13**

The method of claim 11, wherein:

the audio-visual device is a television (See Fig. 1, #56 shows a Tv and speakers).

**Claim 14**

The method of claim 11, wherein:

the unencrypted format is simultaneously displayed on a second audio-visual device (See Fig. 1, #56 shows a Tv and speakers).

**Claim 15**

The method of claim 11, wherein:

a second player program operating on a third computer in the network,  
requests the media file from a second library program operating on the second computer in the network (Paragraph [0014], “An advantage of the present invention is that content is redundantly distributed in the form of discrete segments throughout a peer storage network, permitting retrieval of segments on a best quality-of-service basis determined relative to each computer system that requests a streaming media content file. Multi-source segmented delivery of content also distributes the transport load over

multiple content sources while ensuring the availability of multiple sources for all segments. The perceived quality-of-service is both increased and reliably maintained").

**Claim 16**

The method of claim 11, wherein:

the unencrypted format is displayed without writing to a storage device

(Paragraph [0070], "The mediation server system maintains the integrity of the content file segments throughout the operations of file segment transport, cache storage, and streaming file assembly and playback").

**Claim 17**

A method for transferring a first media file having a first size and a second media file having a second size from a library program operating on a first computer in a network to a player program operating on a second computer in the network (Paragraph [0013], "The content catalog contains, directly or indirectly, an identification of each content file, the segmented subunits of each file, and the peer caches to which the subunits are distributed"), the method having the steps of:

a) the player program requesting the first media file from the library program at a first time,

b) the player program receiving the complete first media file at a second time (Paragraph [0013], "This is achieved in the present invention through a multi-source

peer content distribution system transfers content files from multiple, distributed peer computers to any requesting computer." ),

d) the player program displaying the first media file on an audio-visual device (See Fig. 1, #56 shows a Tv and speakers), wherein the displaying of the first media file will complete at a third time,

e) the player program requesting the second media file at a predicted time,

f) the player program receiving the complete second media file at a fourth time, wherein the fourth time is earlier than the third time (Paragraph [0016], "A further advantage of the present invention is that the mediation system can perform predictive seeding of the content delivery network and adaptive modification of segment distribution in response to changing content file demands. Historical demand patterns, peer node availability and bandwidth capabilities can be used to guide the strategic distribution of content segments throughout the content delivery network"),

g) the player program displaying the second media file on the audio-visual device (See Fig. 1, #56 shows a Tv and speakers).

### **Claim 18**

A method for transferring a first media file having a first size and a second media file having a second size from a library program operating on a first computer in a network to a player program operating on a second computer in the network (Paragraph [0013], "The content catalog contains, directly or indirectly, an identification of each

content file, the segmented subunits of each file, and the peer caches to which the subunits are distributed"), the method having the steps of:

a) the player program requesting the first media file from the library program at a first time,

b) the player program receiving the complete first media file at a second time (Paragraph [0013], "This is achieved in the present invention through a multi-source peer content distribution system transfers content files from multiple, distributed peer computers to any requesting computer."),

d) the player program displaying the first media file on an audio-visual device (See Fig. 1, #56 shows a Tv and speakers), wherein the displaying of the first media file will complete at a third time,

e) the player program requesting the second media file at a predicted time,

f) the player program receiving the complete second media file at a fourth time, wherein the fourth time is earlier than the third time (Paragraph [0016], "A further advantage of the present invention is that the mediation system can perform predictive seeding of the content delivery network and adaptive modification of segment distribution in response to changing content file demands. Historical demand patterns, peer node availability and bandwidth capabilities can be used to guide the strategic distribution of content segments throughout the content delivery network"),

g) the player program displaying the second media file on the audio-visual device (See Fig. 1, #56 shows a Tv and speakers).

**Claim 19**

The method of claim 18, wherein:

the predicted time is calculated using the steps:

- a) a first interval is calculated as the difference between the second time and the first time,
- b) a transfer rate is calculated by dividing the first size by the first interval,
- c) a second interval is calculated by multiplying the transfer rate by the second size,
- d) a third interval is calculated by multiplying the second interval by a safety factor,
- e) the predicted time is calculated by subtracting the third interval from the third time (Paragraph [0016], "A further advantage of the present invention is that the mediation system can perform predictive seeding of the content delivery network and adaptive modification of segment distribution in response to changing content file demands. Historical demand patterns, peer node availability and bandwidth capabilities can be used to guide the strategic distribution of content segments throughout the content delivery network").

**Claim 20**

The method of claim 19, wherein:

the safety factor has a value of about 2 (Paragraph [0016], "A further advantage of the present invention is that the mediation system can perform predictive seeding of

the content delivery network and adaptive modification of segment distribution in response to changing content file demands. Historical demand patterns, peer node availability and bandwidth capabilities can be used to guide the strategic distribution of content segments throughout the content delivery network”).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhad Ali whose telephone number is (571) 270-1920. The examiner can normally be reached on Monday thru Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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F.A.

A handwritten signature in black ink, appearing to read 'Jeffrey PWU', with a stylized, cursive script.

JEFFREY PWU  
SUPERVISORY PATENT EXAMINER